

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/089162

Applicant's or agent's file reference B13335.3 PA	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR00/02653	International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 27 September 1999 (27.09.99)
International Patent Classification (IPC) or national classification and IPC B27K 7/00		
Applicant COMMISSARIAT A L'ENERGIE ATOMIQUE		

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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>2</u> sheets.	
3. This report contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the report
II <input type="checkbox"/>	Priority
III <input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application

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Date of submission of the demand 17 March 2001 (17.03.01)	Date of completion of this report 02 November 2001 (02.11.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR00/02653

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☒ the international application as originally filed.
- ☐ the description, pages 1-44, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the claims, Nos. \_\_\_\_\_, as originally filed,  
 Nos. 1-18, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. 19-23, filed with the letter of 11 October 2001 (11.10.2001),  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the drawings, sheets/fig 1/3-3/3, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 00/02653

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-21	YES
	Claims	22-23	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	22-23	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Reference is made to the following documents:

D1: CHEMICAL ABSTRACTS, vol. 91, no. 21, 19 November 1979, abstract no. 173344; GARCIA DEL RIO, J.R.  
D2: WO-A-98 16288

#### 2. D1 describes a method for decontaminating cork, including the steps of contacting the cork with a dense pressurised fluid (CO2) to which a co-solvent has been added (ethylene oxide). D1 therefore describes all the features of independent Claim 23.

Claim 23 does not meet the requirements of PCT Article 33(2), as it is not novel.

#### 3. D2, in particular Figure 2 and the related part of the description, describes an installation as per independent Claim 22, including means in the form of autoclaves for contacting the material to be treated (1, 2), liquefier means (16), a pump (5), a supercritical exchanger (7), separators (11, 12, 13) for separating the treated material from the extracted compounds, and means (15) for recycling the fluid. Since reference to a method cannot serve

to distinguish a known installation, D2 describes all the features of Claim 22.

Therefore, Claim 22 does not meet the requirements of PCT Article 33(2), as it is not novel.

4. As compared with D1, which is considered the closest prior art document and describes a method for treating cork including the step of decontaminating the cork material with a mixture of carbon dioxide and ethylene oxide at a temperature of 55°C, the novel feature of Claim 1 is the specific pressure/temperature combination. By means of this novel feature, contaminants responsible for undesirable flavours can be selectively extracted from the cork material without affecting desirable compounds. None of the documents cited in the search report addresses this specific problem or suggests the solution thereto. The document CHEMICAL ABSTRACTS, vol. 126, no. 8, 24 February 1997, Columbus, Ohio, US; abstract no. 101255 teaches the use of higher pressures for extracting suberin. Claim 1 is therefore considered to be a non-obvious alternative and meets the requirements of PCT Article 33(2) and (3). The same reasoning applies to independent Claims 12 and 21, which refer back to Claim 1.
5. Industrial applicability is obvious (PCT Article 33(4)).